

Readopt with amendment Ins 1402.02 (f), Ins 1402.04 (b), Ins 1404.01 (b), Ins 1405.05 (b), Ins 1405.07 (a), Ins 1405.10 (b)(3), Ins 1405.11 (f)(1), Ins 1405.11 (g) and Appendix 1, effective 07-01-04 (Document #7185), and Ins 1405.10, effective 07-01-04 (Document #7185) by adding new paragraph (h), to read as follows:

Ins 1402.02 (f)

(f) "Insurer" means a licensed company, or group of affiliated companies **[under common management], that are** authorized to transact automobile insurance in the state of New Hampshire, **and, if a group of companies, are affiliated by ownership or contractual relationship encompassing joint operations or processes filed and approved by the commissioner.**

Ins 1402.04 (b)

(b) No **[company]** **insurer** shall move a policy to a different tier within one company, or from one company to another within a group, which results in a different rate for the insured unless it does so in accordance with its underwriting guidelines filed with the commissioner.

Ins 1404.01 (b)

(b) Insurers shall maintain for a period of the current policy year plus 4 years a record retrieval system of all company refusals to write insurance coverage and all company initiated cancellations and non-renewals of insurance policies and the factual reasons for the refusal to write, **[cancel]** **cancellation** or non- **[renew]** **renewal**.

Ins 1405.05 (b)

(b) The insurer shall protect the driving privileges of its insureds to be licensed to operate a motor vehicle in the **[S]** state of New Hampshire. Therefore, upon notice to the insurer that it has become necessary for an insured to file evidence of financial responsibility with the state of New Hampshire, such filing shall be made by the insurer or producer covering the risk as soon as the insurer or producer becomes aware of the requirement.

Ins 1405.07 (a)

(a) The commissioner shall appoint a board of governors, hereinafter referred to as the board, composed of 12 representatives and nominated as follows:

(1) The American Insurance Association shall nominate 2 members;

(2) The **[Alliance of American Insurers]** **Property Casualty Insurers Association of America** shall nominate 2 members;

[(3) The National Association of Independent Insurers shall nominate 2 members;]

[(4)] **(3)** Insurers which are not members of the organizations enumerated in (1) **[,]** **and** (2) **[and (3)]** above shall nominate 2 members;

(4) The 6 members nominated according to (1), (2) and (3) above shall nominate 2 at-large members;

(5) The commissioner shall select one consumer not a member of any of the organizations enumerated in subparagraphs (1) through (4) above;

(6) The commissioner shall select one member who is an employee of the insurance department; and

(7) The commissioner shall select 2 licensed New Hampshire insurance producers.

Ins 1405.10 (b)(3)

(3) With respect to a policy written on business which is new to a member and which is new to the group of insurers under common management or control to which the member belongs, if any, the premium for such a policy ceded **[or moved to a difference company or tier]** subsequent to the policy effective date shall be the facility premium **[or new company or tier premium]** retroactive to the policy effective date;

Ins 1405.10 (h)

(h) No cession of a new policy to the facility shall be initiated after the 60th day following the effective date of the new policy and shall not be effective unless written notice is mailed to the insured. Such notice shall include the terms and premiums for coverage.

Ins 1405.11 (f)(1)

(1) Each member shall cede to the facility 85 percent of the surcharge amounts less commission allowance according to the SDIP points chargeable in accordance with the provisions of Ins 1405.13 below to the ceded policy in accordance with the following schedule:

- a. For a policy subject to 1 SDIP point \$ 90;
- b. For a policy subject to 2 SDIP points 200;
- c. For a policy subject to 3 SDIP points 330;
- d. For a policy subject to 4 SDIP points 480;
- e. For a policy subject to 5 SDIP points 650;
- f. For a policy subject to 6 SDIP points 840;
- g. For a policy subject to 7 SDIP points 1,040;
- h. For a policy subject to 8 SDIP points 1,240; and
- i. For each additional point 200; and

Ins 1405.11 (g)

(g) The premium amount to be ceded shall be 85% of gross base premium other than SDIP surcharges less 10% if commissions are paid or less 5% if commissions are not paid plus 85% of the SDIP surcharge less the SDIP commission allowance **[of] or** the actual SDIP commission, whichever is less.

Appendix I

(e) I also understand that this statement will be relied upon in connection with future renewals of the automobile insurance policy for which I am applying, and that it is my responsibility to inform my insurance company before my next renewal after I or any named insured ceases to be a New Hampshire resident and that I will be subject to the penalties listed in [(a)] (d) above if I fail to do so.

_____ I hereby attest that I am, and each named insured is, a resident of the State of New Hampshire as defined in (a) **[and] or** (b) above and that I maintain a permanent residence located at (street address) in (city/town), New Hampshire.

(ins1400ipatsections082504b)